REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated November 27, 2007. Claims 1 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ding, U.S. Patent No. 5,699,361 (Ding) in view of Mannette, U.S. Patent No. 6,816,500 (Mannette). Claims 2-21, 23-40, 43-64 and 69-105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ding in view of Mannette, and further in view of Kitaj, U.S. Patent No.5,946,399 (Kitaj). In light of the foregoing amendments and following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

The Office Action rejected all independent claims under 35 U.S.C. § 103 as being unpatentable over Ding in view of Mannette. In rejecting the independent claims, the Office Action asserts it would have been obvious at the time the invention was made to have modified Ding to include the teachings of Mannette because by using multiple communication channels, the system could provide different priority services, as disclosed by Mannette, column 2, lines 50-67. Applicants respectfully disagree with this conclusion.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In teaching or suggestion to make the claimed combination and the reasonable expectation of success, must both be found in the prior art and not based on Applicants' disclosure. The initial burden is on the Examiner to provide some suggestion of the desirability

of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest that the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. MPEP 2142.

Applicants recognize MPEP 2144, which states that the strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. The Office Action asserts that by modifying Ding to include the teachings of Mannette, the system could provide different priority services. However, Ding already focuses on providing different priority services. As such, Applicants assert that one of ordinary skill in the art would not modify Ding to include the teachings of Mannette as asserted in the Office Action.

Ding is related to a multimedia channel formulation mechanism. The Background section of Ding describes in detail those problems associated with network communication between computer systems. More particularly, Ding describes how application data is segmented and subsequently transmitted in packets to a computer system via a network using internet protocol (IP). Ding sets forth in column 3, lines 40-43 "The IP process 62 periodically retrieves each packet from each of the receipt queues 70′ in a first-in first-out order (e.g., the receipt queues 70′ may be accessed in a round-robin fashion)."

Ding also describes certain observations regarding the transmission and receipt of packets. More particularly, in column 4, lines 7-16 state:

> There is a one-to-one correspondence between the queues 70 and 70′ and the I/O ports 25. Therefore, the transmission of packets for each communication, and the reassembly of received packets, is also controlled by the strict first-in first-out ordering of the queues 70, 70′. The transmission and receipt schemes of Figs. 4 and 5 are therefore said to be non-preemptive because the transmission and reassembly ordering cannot be changed to give certain communications priority over other communications.

Ding describes it is desirable to provide multimedia communications on networks, which include communications of combinations of motion video, still video, voice and other audio, text/transactional communication, and control messages in interactive and noninteractive fashions. These types of communications have different characteristics. Text/transactional communications are bursty; such communication exhibits a high average to peak bandwidth ratio. Video and audio communication are stream oriented; they require a continuous bandwidth and have an average bandwidth which is typically much higher than that of text/transactional communications. Ding recognizes that TCP/IP and UDP/IP protocols are designed for bursty non-interactive, test/transactional oriented communications. All information is transmitted or received in roughly comparable first-in first-out fashion. Ding recognizes that TCP/IP and UDP/IP can be used to deliver multimedia information; however, because there is no differentiation in treatment amongst the different kinds of communications (no preemption), these protocols can only enable a limited amount of multimedia traffic.

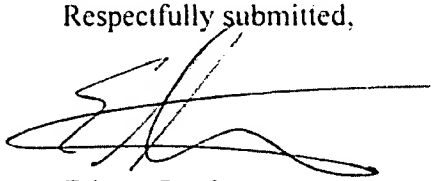
Ding addresses the non-preemptive problems associated with the prior art. In Ding, communication channels are allocated. Once allocated, a scheduler process consults user-defined parameters and fixed attributes of each channel in determining when to schedule the transmission and receipt of data on each channel. For instance, the user-definable parameters can specify the number of buffers to allocate to the communication, a bandwidth requirement, a quality of service, a direction (transmittal received), etc. Such information controls how often and in what priority the real time scheduler signals the streamer process to transmit packets for each channel. *See,* Ding, column 5, lines 45-59. Ultimately, the communication method and system of Ding provides for selecting preemptive and non-preemptive transmission queuing. In other words, Ding describes a communication system employing multiple communication channels that provide different priority services. Given that Ding provides different priority services, one of ordinary skill in the art would not modify Ding to include the teachings of Mannette to render a system that provides different priority services as suggested in the Office Action. Accordingly, Applicants assert that the Office Action has failed to provide a prima facie basis for combining Ding with Mannette.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Eric A. Stephenson
Attorney for Applicants
Reg. No. 38,321
Telephone: (512) 439-5093
Facsimile: (512) 439-5099